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THE HARRISON SCHOOL CODE.

(S. B. No. 57)

AN ACT

To provide for the organization of the common schools of the state of Ohio, and to amend, repeal and supplement certain sections of the Revised Statutes and laws of Ohio herein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Sections 3885, 3886, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3897a, 3898, 3900, 3901, 3908, 3909, 3910, 3911, 3915, 3916, 3917, 3920, 3921, 3922, 3923, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3958, 3959, 3960, 3963, 3964, 3967, 3968, 3969, 3972, 3975, 3977, 3978, 3981, 3982, 3985, 3988, 3991, 3992, 3993, 3994, 4007, 4007-1, 4013, 4015, 4017, 4017a, 4018, 4019, 4021, 4022a, 4022-2, 4031, 4032, 4035, 4036, 4038, 4039, 4042, 4043, 4047, 4048, 4052, 4053, 4055, 4056, 4059, 4069, 4070, 4071, 4071a, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4091, 4092, 4094, 1123 of the Revised Statutes of Ohio, and

Section 2 of an act entitled "An act to provide for the centralization of township schools and provide a high school for the same," known as Section 3927-2 of the Revised Statutes of Ohio, passed April 19, 1900, as amended May 12, 1902, and

Sections 1, 2, 3 and 4 of an act entitled "An act entitled to create a sinking fund to provide for the payment of the bonded indebtedness of boards of education in city districts of the second grade of the first class," known as Sections 3970-1, 3970-2, 3970-3 and 3970-4 of the Revised Statutes of Ohio, passed March 17, 1893, and

Sections 1, 2 and 3 of an act entitled "An act to secure a voice in school affairs to the women of Ohio on equal terms with men," known as Sections 3970-10, 3970-11 and 3970-12 of the Revised Statutes of Ohio, passed April 24, 1894, and

Sections 1 and 2 of an act entitled "An act to empower township boards of education to establish township or joint township high schools and to discontinue sub-districts schools when too small to justify their continuance," known as sections 4009-15 and 4009-16 of the Revised Statutes of Ohio, passed April 25, 1898, and

Section 1 of an act entitled "An act requiring instruction and practice in the common schools of cities of the first grade and second class, and certain educational institutions of physical culture," known as section 4020-17 of the Revised Statutes of Ohio, passed April 13, 1892, and

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Section 1 of an act entitled "An act to authorize boards of education in cities of the second grade of the first class to levy a tax for certain purposes therein specified," known as section 4020-18 of the Revised Statutes of Ohio, passed March 16, 1887, be amended so as to read as follows: and that section 3897 be further supplemented by adding sections 3897^k and 3897^l and that 3921 be supplemented by adding 3921^a as follows:

Sec. 3885. The state is hereby divided into school districts to be styled respectively, city school districts; village school districts; township school districts; and special school districts.

Sec. 3886. Each incorporated city, now existing or hereafter created, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a city school district.

Sec. 3888. Each incorporated village, now existing or hereafter created, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a village school district.

Sec. 3889. When a village is advanced to a city, the village school district shall thereby become a city school district; when a city is reduced to a village the city school district shall thereby become a village school district. The members of the board of education in village school districts that are advanced to city school districts, and in city school districts that are reduced to village school districts, shall continue in office until succeeded by the members of the board of education of the new district, who shall be elected at the next succeeding annual election for school board members. Upon the creation and incorporation of a village, the same shall thereby become a village school district, and if said village was, previous to its creation and incorporation, included within the boundaries of a special school district but said special district included more territory than is included within the village limits, said territory shall be, and thereby is, attached to said village school district for school purposes; when a village surrenders its corporate powers the village school district shall be thereby abolished and the territory formerly constituting said village district shall become a part of the township school district or districts of the civil township or townships in which it is situated, and all school property shall pass to and become vested in the township board of education of the civil township in which it is situated; the provisions of section 1536-4 of the Revised Statutes of Ohio in regard to the settlement of the affairs of a village that has surrendered its corporate powers shall also apply to the village school district and the board of education of the same, and in case the village school district is situated in two or more townships any distribution of funds shall be made in proportion to the total tax valuation of the property situated in the several townships.

Sec. 3890. Each civil township together with the territory attached to it for school purposes, and excluding the territory within its established limits detached for school purposes, shall constitute a township school district.

Sec. 3891. Any school district, now existing, other than a city, village or township school district, and any school district organized under the provisions of chapter 5 of this title, shall constitute a special school district.

Sec. 3892. The territory included within the boundaries of any city, village or special school district shall be contiguous.

Sec. 3893. Whenever territory is annexed to a city or village, such terri-

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tory thereby becomes a part of the city or village school district and the legal title to all school property in said territory shall be thereby vested in the board of education of such city or village school district.

Sec. 3894. A part or the whole of any school district may be transferred to an adjoining school district by the mutual consent of the boards of education having control of such district; to secure such consent it shall be necessary for each of said boards to pass a resolution indicating the action taken and definitely describing the territory to be transferred, and the passage of said resolution shall require a majority vote of the full membership of each board, to be taken by a yea and nay vote and the vote of each member to be entered on the records of such boards; but such transfer shall not take effect until a map showing the boundaries of the territory transferred is placed upon the records of such boards, and copies of the resolution certified to the president and clerk of each board, together with a copy of said map, is filed with the auditor or auditors of the county or counties in which such transferred territory is situated.

Sec. 3895. Territory can also be transferred from one school district to another in the following manner: A petition signed by not less than one-half of the qualified male citizens who are electors residing in the territory sought to be transferred and accompanied by a correct map of said territory, shall be filed with the clerks of the boards of education interested and if such boards of education fail or refuse to transfer such territory by mutual consent, as provided for in section thirty-eight hundred and ninety-four of the Revised Statutes of Ohio, within sixty days after the filing of said petition and map, the petitioner shall file a copy of said petition and map in the probate court of the county in which such territory is situated, or if the territory be in two or more counties, in the probate court of the county containing the largest proportionate share of the territory to be transferred; the petitions shall be required to give satisfactory security for the costs in the sum of one hundred dollars, conditioned that the sureties shall pay all the costs in case the transfer is not granted; the probate judge shall thereupon fix a day for the hearing of said petition and shall cause to be published for four consecutive weeks, in two newspapers of opposite politics, printed and of general circulation in the county, a notice of the filing of such petition and of the time of the hearing, and he shall also notify the clerks of the boards of education interested of the filing of the petition and the time of hearing; the probate judge is authorized and empowered to hear and determine the case and give judgment for or against such transfer and his judgment shall be final. In case the finding is against the transfer, judgment shall be rendered against the petitioners for the costs of the proceedings, and if the finding is for the transfer, judgment shall be rendered against each of the boards of education interested for one-half of the costs, or if more than two boards are interested judgment shall be rendered against each for its equal proportionate share of the costs. A certified copy of the findings of the court, together with a copy of the map of the territory transferred, shall be filed in the office of the county auditor by the probate judge.

Sec. 3896. When territory is transferred from one school district to another under the provisions of section 3894 of the Revised Statutes of Ohio, the equitable division of funds or indebtedness shall be determined upon at the time of the transfer. When territory is transferred from one school district to another by proceedings in the probate court, or by the annexation of territory to a city or village, the proper division of funds in the treasury, or in the process of

collection, of the board of education of the school district from which the territory is detached, shall, upon application to the probate court of the county in which such territory is situated by either board of education interested, be determined and ordered by said court; in case said board of education is indebted, such indebtedness together with the proper amount of money to be paid to said board of education by the board of education of the school district to which the territory is transferred, annexed, or the district created, shall be, in a like manner, determined and ordered by said court. If the territory is situated in two or more counties the application and proceedings shall be had in the probate court of the county containing the largest proportionate share of said transferred territory. The findings of the probate court shall be final.

Sec. 3897. In city school districts the board of education shall consist of not less than two members nor more than seven members elected at large, by the qualified electors of the school district, and of not less than two members nor more than thirty members elected from sub-districts by the qualified electors of their respective sub-districts; provided that in city school districts which at the last preceding federal census contained a population of less than fifty thousand persons, the board of education shall consist of not less than three members nor more than seven members elected at large, by the qualified electors of such city school districts.

Not later than the first day of July next, after the passage of this act, the present city school board, board of education, school council or other city school legislative body, shall pass a resolution fixing, within the limits prescribed by this act, the number of members of said board of education to be elected at large, and in city school districts where there are members of the board of education to be elected from sub-districts, they shall also, at the same time, fix the number of members of the board of education to be elected by such city sub-districts. The said city school board, board of education, school council or other city school legislative body, in city school districts where there are members of the board of education to be elected from sub-districts, shall, at the same time, towit: Before the first day of July next, after the passage of this act, subdivide said city school district into sub-districts equal in number to the number of members of the board of education in said city school district who are to be elected from sub-districts therein established.

Said subdistricts shall be bounded as far as practicable by corporation lines, streets, alleys, avenues, public grounds, canals, water courses, ward boundaries, voting precinct boundaries or present school district boundaries, and shall be as nearly equal in population as possible, and shall be composed of adjacent and as compact territory as possible. The lines of said subdistricts so fixed shall not be changed until after each succeeding federal census.

Within three months after the official announcement of the result of each succeeding federal census the board of education of each city school district shall re-district the said city school district into subdistricts in accordance with the provisions of this act.

If the city school board of education, school council, or other city school legislative body shall fail to district or redistrict said city school district as herein required, at the time or times herein specified, then and in that event, upon the application of the president of the board of education, the state commissioner of common schools shall, subject to the requirements of this act, forthwith district, or re-district said city school districts.

Provided also, that school subdistricts shall be numbered from one up, consecutively, and that at the first election for members of the board of education held after the passage of this act, the members to be elected to the board of education from subdistricts of odd numbers beginning with one, shall be elected for two years, and those elected from subdistricts of even numbers shall be elected for four years, and at the expiration of their respective terms their successors shall be elected for a term of four years; and provided further, that at the said first election the members of the board of education at large in all city school districts shall be elected for terms as follows:

If there be but two members of the board of education elected at large, one shall be elected for two years and one for four years, and if there be more than two, and the number thereof divisible by two, the one-half of such board shall be elected for two years and one-half for four years but if the whole number of members elected at large be not divisible by two, then the number to be elected for two years shall be the quotient obtained by dividing the whole number to be elected at large, less one, by two, and the remaining members shall be elected for four years.

At the expiration of their respective terms their successors shall be elected for four years. Members elected at large must be electors of the city school district, and members elected from sub-districts must be electors of the city sub-districts from which they are chosen, or of the territory attached to the sub-district for school purposes; a removal from said sub-districts, territory or city school district shall vacate said office.

The number of members of the board of education shall not be changed, except at the time of the redistricting herein provided for, within three months after the official announcement of the result of the federal census.

All members of boards of education of city school districts, herein provided for shall be elected at the same time and in the same manner as municipal officers are elected.

Sec. 3897a. Boards of education in city school districts shall organize on the first Monday in January after the election held for members of the board of education by the election of one of their members as president and the election of a clerk, who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; they shall fix the time of holding regular meetings. Upon the organization of the first boards of education elected under this act, the previously existing boards of education are thereby abolished and said newly elected boards shall be their successors in all respects. Not less than fifteen days before the election of members of boards of education, nominations of candidates therefor may be made by nomination papers, signed in the aggregate for each candidate by not less than twenty-five qualified electors of either sex of the school district, except that in city school districts such nomination papers shall be signed by petitioners not less in number than one for every one hundred persons who voted at the next preceding general election in such city; and whenever each of such candidates shall be so nominated and his or their names shall be presented to the county board of deputy state supervisors of elections of the county in which such district is situated not less than fifteen days prior to the ensuing election, the said board of deputy state supervisors of elections shall publish on two different days prior to such election the names of such candidates in two newspapers of opposite politics in the school district, if there be such printed and published therein, or, if no newspaper

is printed therein, by posting such list of names in at least five public places in the school district.

Sec. 3897k. The board of education in any school district which has created, or shall hereafter create, a teachers' pension fund, shall pay monthly into said teachers' pension fund all deductions, fines, penalties and assessments made against any of the teachers or other employes of said board for violation of any of the rules or orders of the said board.

Sec. 3897l. The board of education in any school district which has created or shall hereafter create, a teachers' pension fund, may pay semi-annually, out of the contingent fund of such school district, into said teachers' pension fund, not to exceed two per cent of the gross receipts of said board of education raised by taxation to be applied to the payment of teachers' pensions as hereinbefore provided.

Sec. 3898. When territory is attached to a city school district for school purposes, it shall be the duty of the board of education to assign such territory to the sub-district or sub-districts adjoining the same, and a map showing such assignment shall be made a part of the record of the board; the electors residing in said attached territory shall be entitled to vote for school officers and on all school questions in the sub-district to which they are assigned, and in the election precinct nearest their residence; and in case the board fails to perform this duty, the electors residing in said attached territory shall be entitled to vote in the sub-district and precinct nearest their residence. An elector residing in the city, but not in the city school district, shall not be entitled to vote in said city school district.

Sec. 3900. The re-districting of a city school district shall not affect the membership of the then existing board of education in said city school district; all the members thereof shall continue to serve for the full term for which they were elected, but after the expiration of said terms the election of members of the board of education from sub-districts shall be by the sub-districts as redistricted.

Sec. 3901. Boards of education of city school districts are authorized and empowered to establish and maintain, under their management and control one or more day schools for the education of the deaf youth of school age of the district, the expense of conducting the same to be paid from the school funds of the district in the same manner and from the same funds as other school expenses are paid.

Sec. 3908. The board of education of village school districts shall consist of five members elected at large at the same time and in the same manner as municipal officers are elected, for the term of four years from the first Monday in January after their election or until their successors are elected and qualified. At the first municipal election held after the passage of this act there shall be a board of education elected in all village districts as provided for herein, two to serve for two years, and three to serve for four years, and at the municipal election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election, the previously existing village boards of education shall be thereby abolished and the newly elected and organized board shall be their successors in all respects.

Sec. 3909. In all incorporated villages not now organized as school districts and in all villages hereafter created, there shall be a board of education elected as provided for in section 3908 of the Revised Statutes of Ohio; pro-

vided, however, that if said election be a special election held in a newly created village, the members elected shall serve for the terms as indicated in said section 3908, from the first Monday in January after the last preceding election for members of boards of education, and the board shall organize on the second Monday after the special election.

Sec. 3910. Electors residing in territory attached to a village school district for school purposes, shall be entitled to vote for school officers and on all school questions, at the regular voting place in the village to which such territory is attached, and should said village be divided into voting precincts, it shall be the duty of the board of education of such village school district to assign such territory to the adjoining precinct or precincts and to have a map prepared showing such assignment, said map to be made a part of the records of the board, and the electors residing in such attached territory shall be entitled to vote in the precinct to which they are assigned, but in case no assignment of territory is made, the elector shall vote in the precinct nearest his residence. An elector residing in a village, but not in a village school district, shall not be entitled to vote in said village school district.

Sec. 3911. Boards of education of village school districts shall organize on the first Monday in January after the election of the board, by the election of one of their members president, and the election of a clerk who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; and they shall fix the time of holding regular meetings.

Sec. 3915. The board of education of township school districts shall consist of five members elected at large at the same time and in the same manner as the township officers are elected, for the term of four years from the first Monday in January after their election until their successors are elected and qualified. At the first township election held after the passage of this act, there shall be a board of education elected in all township districts as provided for herein, two to serve for two years, and three to serve for four years, and at the township election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election, the previously existing township boards of education shall be thereby abolished and the newly elected and organized boards shall be their successors in all respects.

Sec. 3916. Electors residing in territory attached to a township school district for school purposes, shall be entitled to vote for school officers and on all school questions, at the regular voting place in the township to which such territory is attached, and should such township be divided into different voting precincts, it shall be the duty of the board of education of the township district, to assign such attached territory to the adjoining precinct or precincts; if territory is attached to more than one precinct, a map shall be prepared showing such assignment and said map shall be made a part of the records of the board of education, and electors shall be entitled to vote according to such assignment, but in case no assignment of territory is made, the electors shall vote in the precinct nearest to their residence. An elector residing in the township, but not in the township school district, shall not be entitled to vote in said township school district.

Sec. 3920. Boards of education of township school districts shall organize on the first Monday in January after the election of the board, by the election

of one of their members president and the election of a clerk who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; and they shall fix the time of holding regular meetings.

Sec. 3921. The division of township school districts into sub-districts as they exist at the time of the passage of this act, shall continue and be recognized for the purpose of school attendance, but the board of education is authorized to increase or diminish the number or change the boundaries of the sub-districts at any regular meeting, a map designating such changes to be entered upon its records.

Sec. 3921a. In all township districts the schools of which are not centralized or consolidated there shall be elected by ballot on the second Monday of April, 1905, and annually thereafter in each sub-district, by the qualified electors thereof, one competent person, having the qualifications of an elector therein to be styled director. In all cases of tie votes at an election for director the judges of election shall decide the election by lot; and in other cases of failure to elect directors or in case of a refusal to serve, or in case where vacancies exist from any cause, the township board of education shall appoint a director for such sub-district. The director of each sub-district shall post written or printed notices in three or more conspicuous places in his sub-district at least six days prior to the election, designating the day and hour of opening, and the hour of closing the election. The election shall be held at the school house in the sub-district. The meeting shall be organized by appointing a chairman and secretary, who shall act as judges of the election under oath or affirmation, which oath or affirmation may be administered by the director of the sub-district, or any other person competent to administer such an oath or affirmation, and the secretary shall keep a poll-book and tally-sheet, which shall be signed by the judges, and delivered within eight days to the clerk of the township board of education. The qualified electors of the sub-district may hold other meetings at any time upon the call of the director or of any five electors. Five days' notice shall be given of such meetings by posting notices in five public places in the vicinity. The director of each sub-district shall preside at the school meetings of the district, record their proceedings, and shall act as the organ of communication between the inhabitants and the township board of education. He shall take charge of the school house and property belonging thereto under the general order and direction of the township board of education and preserve the same and when so ordered by the board shall make all temporary repairs of the school house, furniture and fixtures, and provide the necessary fuel for the school, reporting the cost thereof to the board of education for payment. The director of each sub-district shall take the enumeration of his sub-district and return the same to the clerk of the township board of education in the manner prescribed by law.

Sec. 3922. The board of education of any township school district is authorized to suspend the schools in any or all sub-districts in the township district, but upon such suspension the board must provide for the conveyance of the pupils residing in such sub-district or sub-districts to a public school in said township district, or to a public school in another district, the cost of such conveyance to be paid out of the funds of the township school district: or the board may abolish all the sub-districts providing conveyance is furnished to one or more central schools, the expense of such conveyance to be paid out of the funds of the district. When transportation of pupils is provided for, the conveyance must

pass within at least the distance of one-half of a mile from the respective residence of all pupils, except when such residences are situated more than one-half of a mile from the public road; but boards of education shall not be required to provide transportation for pupils living less than one-half of a mile from the school house.

Sec. 3923. Joint sub-districts are hereby abolished and the territory of such districts, situated in the township in which the school house of the joint sub-district is not located, shall be attached for school purposes to the township school district in which said school house is located, and shall constitute a part of said township school district, and the title of all school property located in said joint sub-district, is hereby vested in the board of education of the township to which the territory is attached. A map of such attached territory shall be prepared under the direction of the board of education of the township district to which such territory is attached and shall be made a part of the records of said board and a copy of the same shall be filed with the auditor of the county in which said territory is situated, or if the territory be in two or more counties, said map shall be filed with the auditor of each county.

Sec. 3927-2. A township board of education may submit the question of centralization, and upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to a vote of the qualified electors of such township district, and if more votes are cast in favor of centralization than against it, at such election, it shall then become the duty of the board of education, and such board of education is required to proceed at once to the centralization of schools of the township, and if necessary purchase a site or sites and erect a suitable building or buildings thereon; provided, that if, at the said election, more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township district for a period of two years. When the schools of a township have been centralized, such centralization shall not be discontinued within three years thereafter, and then only by petition and election as required herein and if at such election more votes are cast against centralization than for it, the division into sub-districts as they existed prior to centralization, shall be thereby re-established at the next regular election and sub-districts directors shall be elected as provided in section 3921a of this act.

Sec. 3928. A special school district may be formed of any contiguous territory, not included within the limits of an incorporated city or village, which has a total tax valuation of not less than one hundred thousand dollars. To establish a special school district, a petition signed by not less than ten male citizens who are electors of the proposed special district shall be filed in the office of the probate judge of the county in which such special district is situated or if said district is situated in two or more counties, then with the probate judge of the county having the greatest total tax valuation in said proposed district; said petition shall set forth the desires of the petitioners, shall contain a description of the territory to be included in the proposed special district, and shall be accompanied by a statement giving the total tax valuation of said territory certified to by the county auditor or auditors and also an accurate map of the territory to be included in said district, the same to be prepared to the satisfaction of the probate judge; said petition shall also be accompanied by an undertaking of one or more of the petitioners, with security to the satisfaction of the judge, in the sum of one hundred dollars, conditioned that the

parties entering into the undertaking shall pay all the costs of the proceedings if a special school district is not created, and in such case the probate judge shall render judgment against the parties to the undertaking for all the costs of the proceedings. In case the petition is granted the costs shall be taxed against the special school district thereby authorized and shall be paid by the board of education of said special school district, thereafter elected, from any funds that may come into its possession. A remonstrance signed by one or more of the male citizens who are electors of the proposed district may be filed with the probate judge and shall be considered on the hearing of the petition. Nothing herein contained shall be so construed as to abolish any special school district now existing, but all such districts whether created under the provisions of a general or special act, including the territory now constituting such special district, shall, unless changed under the provisions of this chapter, continue to be and remain and be recognized and regarded as legal special school districts, excepting, however, such special school districts which do now or may hereafter include within their boundaries an incorporated city or village, and in such cases such special district shall become a city or village school district with or without territory attached or detached, as the case may be. And all officers and members of boards of education of existing special school districts heretofore created, whether by special or general act, shall continue to hold and exercise their respective offices and the powers thereof, until their successors are elected and qualified as provided herein; provided that all such officers of such districts created by special act shall hold such offices only until the first Monday of January following the first election for school officers to be held after the passage of this act, at which election their successors shall be elected.

Sec. 3929. Upon the filing of a petition in the probate court for the establishment of a special school district, the judge thereof shall fix a time for the hearing of the same, which shall be within sixty days of the filing thereof; he shall thereupon cause to be published for four consecutive weeks, in two newspapers of opposite politics, printed and of general circulation in the county where the petition is filed, notice of the filing of such petition and the time of the hearing thereon; such notices shall also be mailed to the clerk or clerks of the board or boards of education having territory in the proposed special school district. The probate judge is authorized to hear and determine the question of the establishment of such special school district, may subpoena and examine witnesses under oath, may change the boundaries of the proposed special school district, shall fix and determine the amount of money due and payable to said special district from the surplus money in the treasury or in process of collection in the district or districts from which it was formed, or in case of the indebtedness of such district or districts, he shall determine the amount of money due and payable by the special school district to the district or districts from which it was formed, and in either case the amount so found due shall be valid and binding obligation upon the board of education of such district or districts. The fees in cases involving the establishment of special school districts shall be the same as in civil cases, and the jurisdiction of the probate court in such cases shall be exclusive.

Sec. 3930. The board of education of special school districts shall consist of five members elected at large at the same time and in the same manner as the township officers are elected, for the term of four years from the first Monday in January after their election or until their successors are elected and qualified. At

the first township election held after the passage of this act, there shall be a board of education elected in all special districts as provided for herein, two to serve for two years, and three to serve for four years, and at the township election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election the previously existing boards of education of special school districts shall be thereby abolished and the newly elected and organized boards shall be their successors in all respects.

Sec. 3931. Elections in special school districts shall be held by the regular election officers of the township in which such special districts are situated and if a special district is situated in two or more townships, the election shall be held by the election officers of the different townships for the electors residing in each township respectively. At least twenty days prior to the first election held under this act, it shall be the duty of the clerk of the board of education of each special school district to notify the deputy supervisors of elections of the county in which the district is situated, or if said district be in two or more counties, he shall notify the deputy supervisors of each county, of the names of the voting precincts having territory in such special school district, and the probable number of electors in each precinct, in order that said deputy supervisors shall be enabled to prepare ballots and election supplies and distribute the same to the proper precincts, and in each precinct there shall be separate ballots, ballot boxes, poll books and tally sheets for each school district having voters therein.

Sec. 3932. When a special school district is created, a mass meeting of the electors in such district shall be called by the posting of notices in five public places in the district setting forth the time and place of said meeting and signed by at least three electors of the district. The electors assembled at said meeting shall elect a chairman and secretary and fix the time for holding the first election for members of the board of education, the time so fixed shall not be within twenty-five days of the time of holding said mass meeting. The chairman and secretary of said meeting shall immediately post notices in five public places within the district, giving the date of the election and shall notify the deputy state supervisors of elections as provided in section 3931 of the Revised Statutes of Ohio. The board thus elected, shall organize on the second Monday after the election and the term of the members shall be as indicated in section 3930 of the Revised Statutes of Ohio, from the first Monday in January after the last preceding annual election for members of boards of education, or until their successors are elected and qualified.

Sec. 3933. Boards of education of special school districts, shall organize on the first Monday in January after the election of the board, by the election of one of their members president and the election of a clerk who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; and they shall fix the time of holding regular meetings.

Sec. 3934. Boards of education of special school districts are authorized to provide for the conveyance of pupils of said district to the school or schools of the districts, the expense of said conveyance to be paid from the school funds of the special school districts; provided, however, that boards of education of such districts as provide transportation for the pupils thereof, shall not be required to transport pupils living less than one-half of a mile from the school house, transportation of such pupils being optional with the board of education.

Provided, further, that when any pupils of said district reside at a greater distance than one and one-half miles from the school house the board of education shall be required to provide for the conveyance of such pupils and the expense thereof to be paid from the school funds of said special school district.

Sec. 3935. When a petition is signed by not less than one-third of the electors residing within the territory constituting a special school district, whether created under the provisions of a general or special act, praying for the abandonment or continuance of such district, shall be presented to the board of education of said district, or when said board shall, by a majority vote of the full membership of the board, decide to submit the question of abandoning or continuing the special school district, it shall be the duty of the board to fix the time of holding said election at either a special or general election and the clerk of the board shall notify the deputy state supervisors of elections, as provided in section 3931 of the Revised Statutes of Ohio, of the date of such election and the nature of the same and said supervisors of elections shall provide for the same. The clerk of the board of education shall also post notices of said election in five public places within the district. If said election be submitted at a special election in a district situated in two or more election precincts, the election shall be held at the precinct nearest the school house in said special district, by the election officers of the precinct, and all the electors of said district shall vote at said precinct. If the district is situated in two or more counties, the deputy state supervisors of the county in which said nearest election precinct is situated, shall have charge of the election. If said question is submitted at a regular election, it shall be conducted in the same manner as the election of members of the board of education. The ballot shall be in the regular form, but without the circle at the top, and shall have printed thereon "Abandonment of Special School District, Yes;" "Abandonment of Special School District, No;" or "Continuance of Special School District, Yes;" "Continuance of Special School District, No," as the case may be. The expense of said election shall be paid in the same manner as are other school election expenses, and returns of said elections shall be made to the board of education of the special school district and if more votes are cast for abandonment than against it, or against continuance than for it, said boards shall certify the result to the board or boards of education of the township or townships having territory in said special district and the territory of said special district shall thereby revert to the township school district or districts from which it was originally taken, except as hereinafter provided for in the case of indebtedness of the special district. Otherwise said district shall continue to be and remain and be recognized and regarded as a legal special school district as theretofore constituted. The legal title of the property of the special school district shall in the event of abandonment or failure to continue become vested in the board or boards of education of the township or townships in which such property is situated. And the school funds of said special district shall be paid into the treasury of the township district and if said special district be in two or more townships, it shall be divided between them in proportion to the total tax valuation of property in the several districts, but the abandonment of a special school district shall not be deemed complete until the board of education of said district shall have provided for the payment of any indebtedness that may exist.

Sec. 3958. Each board of education shall, annually, at a regular or special meeting held between the third Monday in April and the first Monday in June,

fix the rate of taxation necessary to be levied for all school purposes, after the state funds are exhausted; said levy shall be divided by the board of education into four funds, namely, first, Tuition Fund; second, Building Fund; third, Contingent Fund; fourth, Bonds, Interest and Sinking Fund, and a separate levy shall be made for each fund; provided, that in every city school district, said levies shall be submitted to the Board of Review of the city, which shall consider the same, and approve or reduce said levies, or any part thereof, and return the same to the board of education, and said levies shall then become valid and effective as so approved or reduced; but if said board of review fail or neglect to act upon said levies within ten days after the receipt of the same from the board of education, then said levies shall become valid and effective without the action of said board of review.

Sec. 3959. The local tax levy for all school purposes shall not exceed twelve mills on the dollar of valuation of taxable property in any school district, but said levy shall not include any special levy, for a specified purpose, provided for by a vote of the people. A greater tax than is authorized herein may be levied for any or all school purposes if the proposition to make such levy shall have been first submitted, by the board of education, to a vote of the electors of the school district, under a resolution prescribing the time, place and nature of the proposition to be submitted, and approved by a majority of those voting on the proposition; notice of said election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district for a like period, if no such paper is published therein.

Sec. 3960. The amount of the levy fixed by the board of education under sections thirty-nine hundred and fifty-eight and thirty-nine hundred and fifty-nine shall be certified to the county auditor in writing, on or before the first Monday in June of each year, who shall assess the entire amount upon all the taxable property of the district, and enter it upon the tax duplicate of the county, and the county treasurer shall collect the same, at the same time and in the same manner as state and county taxes are collected, and pay it to the treasurer of the district upon the warrant of the county auditor; and unless the county treasurer is paid a fixed salary he shall receive one per centum on all money so collected, and no more.

Sec. 3963. When a school district is composed of territory in two or more counties, the rate of taxation shall be ascertained by the board of education of such district and shall be certified to the auditors of the several counties and such county auditors shall place the same on the tax duplicate and the same shall be collected as provided in section thirty-nine hundred and sixty of the Revised Statutes of Ohio. The funds belonging to a district composed of territory in more than one county shall be paid by the treasurers of the other counties to the treasurer of the county having the greatest tax valuation in said district; the auditors of the other counties shall make settlement on account of such funds with the auditor of the county having said greatest tax valuation; and the treasurer of the district shall make the settlement required by section thirty-nine hundred and sixty-six of the Revised Statutes of Ohio, with such auditor.

Sec. 3964. Each county auditor shall, immediately after each annual settlement with the county treasurer, apportion the school funds for his county;

the state common school fund shall be apportioned in proportion to the enumeration of youth in each of the several school districts within the county, but if an enumeration of the youth of any district has not been taken and returned for any year, such district shall not be entitled to receive any portion of said fund; the local school tax collected from the several districts shall be paid to the districts from which it was collected; money received from the state on account of interest on the common school fund shall be apportioned to the school districts and parts of school districts within the territory designated by the auditor of state as entitled thereto, in proportion to the enumeration of youth therein, and all other money in the county treasury for the support of the common schools, and not otherwise appropriated by law, shall be apportioned annually in the same manner as the state common school fund.

Sec. 3967. The certificate of apportionment furnished by the county auditor to the treasurer and clerk of each school district shall exhibit the amount of money received by each district from the state, the amount received from any special tax levy made for a particular purpose as well as the amount received from local taxation of a general nature; the amount received from the state common school fund and the common school fund shall be designated the "tuition fund" and shall be appropriated only for the payment of superintendents and teachers; the funds received from special levies shall be designated in accordance with the purpose for which the special levy was made and shall be paid out only for such purpose, but when a balance remains on such fund after all expenses incident to the purpose for which it was raised shall have been paid, such balance shall become a part of the contingent fund and it shall be the duty of the board of education to make such transfer by resolution; the funds received from the local levy for general purposes shall be designated as indicated in section thirty-nine hundred and fifty-eight, so as to correspond to the particular purpose for which the levy was made; all moneys coming from sources not enumerated herein shall be placed in the contingent fund.

Sec. 3968. The board of education of any school district shall have authority to provide by resolution for the deposit of any or all moneys coming into the hands of the treasurer of the board. Provided, however, that no bank shall receive a larger deposit than the amount of its paid-in capital stock, and in no event to exceed three hundred thousand dollars (\$300,000.00). In school districts containing two or more banks such deposit shall be made in the bank or banks, situated in the district, that shall offer at competitive bidding the highest rate of interest which in no case shall be less than two per cent. for the full time the funds or any part thereof are on deposit, and such bank or banks shall give a good and sufficient bond of some approved guaranty company in a sum at least equal to the amount deposited, and it shall be the duty of the treasurer of the school district to see that a greater sum than that contained in the bond is not deposited in such bank or banks and said treasurer and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bond; the board shall determine in such resolution the method by which such bids shall be received, the authority which shall receive them, the time for which such deposits shall be made and all details for carrying into effect the authority herein given, but all such proceedings in connection with such competitive bidding and deposit of such moneys shall be conducted in such a manner as to insure full publicity and shall be open at all times to public inspection; if in the opinion of a board of education there has been any collusion between the bidders, said board may reject any or all bids

and may provide for the deposit of funds in a bank or banks without the district as hereinafter provided for in districts not having two or more banks located therein. In all school districts containing less than two banks the board of education may, after the adoption of a resolution providing for the deposit of its funds, enter into a contract with one or more banks that are conveniently located and offer the highest rate of interest, which shall in no case be less than two per cent. for the full time the funds or any part thereof are on deposit, and said bank or banks shall give good and sufficient bond of some approved guaranty company in a sum at least equal to the amount deposited and it shall be the duty of the treasurer of the school district to see that a greater sum than that contained in the bond is not deposited in such bank or banks, and said treasurer and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bond; said resolution and contract shall set forth fully all details necessary to carry into effect the authority herein given and all proceedings connected with the adoption of said resolution and the making of said contract shall be conducted in such a manner as to insure full publicity and shall be open at all times to public inspection. When a depository is provided as authorized herein and the funds are deposited therein, the treasurer of the school district and his bondsmen shall be relieved of any liability occasioned by the failure of the bank or banks of deposit or by the failure of the guaranty company acting as surety for such bank or banks or by the failure of either of them, except as herein provided in cases of excessive deposits.

Sec. 3969. If the board of education in any district fail in any year to estimate and certify the levy for a contingent fund as required by this chapter, or if the amount so certified is deemed insufficient for school purposes, or if it fail to provide sufficient school privileges for all the youth of school age in the district or to provide for the continuance of any school in the district for at least seven months in the year, or to provide for each school an equitable share of school advantages as required by this title, or to provide suitable school houses for all the schools under its control, or to elect a superintendent or teachers, the commissioners of the county to which such district belongs, upon being advised and satisfied thereof, shall do and perform any or all of said duties and acts, in as full a manner as the board of education is by this title authorized to do and perform the same; and the members of a board who cause such failure shall be each severally liable, in a penalty not to exceed fifty nor less than twenty-five dollars, to be recovered in a civil action in the name of the state upon complaint of any elector of the district, which sum shall be collected by the prosecuting attorney of the county, and when collected shall be paid into the treasury of the county, for the benefit of the school or schools of the district.

(3970-1) Sec 1. In any school district having a bonded indebtedness, for the payment of which together with interest, no provision has been made by a special tax levy for that particular purpose, it shall be the duty of the board of education of such district and such board shall annually, on or before the 31st day of August, set aside from its revenue a sum equal to not less than one-fortieth of said indebtedness together with a sum sufficient to pay the annual interest thereon.

The board of education of every district shall provide a sinking fund for the extinguishment of all its bonded indebtedness, which sinking fund shall be managed and controlled by a board of commissioners designated as the "Board of Commissioners of the Sinking Fund of _____" (inserting the name of the district), which shall be composed of five electors thereof, and who shall

be appointed by the court of common pleas of the county in which such district is chiefly located, provided, that in city or village districts the board of commissioners of the sinking fund of the city or village may be the board of commissioners of the sinking fund of the school district; the commissioners of the sinking fund shall serve without compensation and shall give such bond as the board of education may require and approve, provided that any surety company authorized to sign such bonds may be accepted by such board of education as surety, and the cost thereof, together with all necessary expenses of the commissioners of the sinking fund shall be paid by said commissioners out of the funds under their control.

(3970-2) Sec. 2. The board of commissioners of the sinking fund shall invest the sinking fund in bonds of the United States, of the State of Ohio, of any municipal corporation, county, township or school district within the state of Ohio or in bonds of its own issue. All interest received from such investments shall be deposited in the treasury to the credit of said sinking fund, and reinvested in a like manner; at no time shall there be over one thousand dollars kept on deposit if investment can be made without jeopardizing the prompt redemption of bonds falling due. For the extinguishment of any bonded indebtedness included in said sinking fund, the board of commissioners of the sinking fund is authorized to sell or use any of the securities or money in said fund.

(3970-3) Sec. 3. The board of commissioners of the sinking fund may refund, extend or renew the bonded debt of the school district or any part thereof, existing at the time of the taking effect of this act, by issuing the bonds of said school district for such periods, not exceeding twenty years, in such denomination, payable at such place and at a rate of interest not to exceed the rate previous to such refunding, extension or renewal; provided that the aggregate amount of the refunding, extending or renewing bonds so issued shall not exceed that of the bonds so refunded, extended or renewed.

(3970-4) Sec. 4. The clerk of the board of commissioners of the sinking fund shall make an annual report to the board of commissioners of the sinking fund, giving a detailed statement of the sinking fund, such report shall be filed at such time as the board shall designate and other reports may be required by the board when the same shall be deemed necessary. Orders on the sinking fund shall be drawn by the same authority and in the same manner as other orders for the payment of money from the school funds.

(3970-10) Sec. 1. The election of members of boards of education shall be governed and controlled by the general election laws of the state. There shall be separate poll books and tally sheets used for all elections for school purposes, and the ballots of the electors at said elections shall be deposited in a separate ballot box. In city school districts the ballots for each sub-district shall contain the names of the candidates for member of the board of education from such sub-district and also the names of the candidates to be elected at large. Returns of all school elections shall be made to the clerk of the board of education not less than five days after the election, and it shall be the duty of the board of education to canvass said returns at a meeting to be held on the second Monday after the election, and the result thereof shall be entered upon the records of the board; in case of a tie vote, the same shall be decided by said board of education, by lot.

(3970-11) Sec. 2. The clerk of each board of education shall publish a

notice of all school elections in a newspaper of general circulation in the district, or post written or printed notices of said elections in five public places in the district, at least ten days before the holding of the same, which notices shall specify the time and place of such election and the number of members of the board of education to be elected and the term for which they are to be elected, or the nature of the question to be voted upon.

(3970-12) Sec. 3. Every woman born in the United States, or who is a wife or daughter of a citizen of the United States, who is over twenty-one years of age and possesses the necessary qualifications in regard to residence, as is provided for men, shall be entitled to vote, and to be voted for, for member of the board of education and upon no other question. The law relating to registration shall apply to women upon whom the right to vote is conferred, but the names of such women may be placed on a separate list.

Sec. 3972. All property, real or personal, which has heretofore vested in and is now held by any board of education for the use of public or common schools in any district, is hereby vested in the board of education provided for in this title, having under this title jurisdiction and control of the schools in such district; and all resolutions and orders passed by any board of education shall remain in full force and effect until duly altered or repealed, and nothing in this act contained shall be construed to in any way affect the validity of any contract made nor bonds or certificates of indebtedness issued, by any board of education of any school district, whether created under the provisions of a general or a special act; and all school funds, whether arising from taxation, sale of bonds, or otherwise, in the hands of or belonging to any board of education of any school district, whether created under the provisions of a general or a special act, and all taxes levied by any such board not collected, shall be transferred to the credit of the board of education elected, under the provisions of this act, to succeed the board having such funds to its credit or which made the levy for the uncollected taxes.

Sec. 3975. Any board of education may, by the adoption of a resolution, accept any bequest made to them by will or may accept any gift or endowment from any person or corporation, upon the conditions and stipulations contained in the will or connected with the gift or endowment; and for the purpose of enabling such boards to carry out the conditions and limitations upon which the bequest, gift or endowment is made, they are authorized to make all rules and regulations that may be required to fully carry into effect the provisions of said bequest, gift or endowment; but no such bequest, gift or endowment shall be accepted by any board of education when the conditions of the same shall remove any portion of the public schools from under the control of said board.

Sec. 3977. The prosecuting attorney shall be the legal adviser of all boards of education in the county in which he is serving, except in city school districts, he shall prosecute all actions against a member or officer of a board of education for malfeasance or misfeasance in office, he shall be the legal counsel of said boards or the officers thereof in all civil actions brought by or against them and shall conduct the same in his official capacity; provided, that when said civil action is between two or more boards of education in the same county said prosecuting attorney shall not be required to act for either of them. In city school districts the city solicitor shall be the legal adviser and attorney for the board of education and shall perform the same services for said board of educa-

tion as is herein required of prosecuting attorneys for other boards of education. The duties herein prescribed shall devolve upon any official serving in a capacity similar to that of prosecuting attorney or city solicitor for the territory wherein a school district is situated, regardless of his official designation. No prosecuting attorney, city solicitor or other official acting in a similar capacity shall be a member of the board of education. No compensation in addition to such officers' regular salary shall be allowed for such services.

Sec. 3978. A special meeting of a board of education can be called by the president or clerk of the board or by any two members thereof, by serving a written notice of the time and place of such meeting upon each member of the board, either personally or at his residence or usual place of business, said notice to be signed by the official or member calling the meeting.

Sec. 3981. Vacancies in any board of education arising from death, non-residence, resignation, removal from office, failure of person elected or appointed to qualify within ten days after the organization of the board or of his appointment, removal from the district, or from other cause, shall be filled by the board of education at its next regular or special meeting or as soon thereafter as possible for the unexpired term. A majority vote of all the remaining members of the board can fill any vacancy or vacancies that may exist in said board.

Sec. 3982. A majority of the board of education shall constitute a quorum for the transaction of business; upon a motion to adopt a resolution authorizing the purchase or sale of property, either real or personal, or to employ a superintendent, teacher, janitor, or other employe, or to elect or appoint an officer, or to pay any debt or claim, or to adopt any text book, the clerk of the board shall call, publicly, the roll of all the members composing the board, and enter on the record required to be kept the names of those voting "aye" and the names of those voting "no"; if a majority of all the members of the board vote "aye," the president shall declare the motion carried; and upon any motion or resolution any member of the board may demand the yeas and nays, and thereupon the clerk shall call the roll and record the names of those voting "aye" and those voting "no," provided, that boards of education may provide for the payment of superintendents, teachers and other employes by payroll if deemed advisable, but in all cases the roll call and record, provided for herein shall be complied with.

Sec. 3985. The board of education of each district shall make such rules and regulations as it may deem necessary for its government and the government of its appointees and the pupils of the schools; and no meeting of a board of education not provided for by its rules or by law shall be legal unless all the members thereof have been notified as provided for in section thirty-nine hundred and seventy-eight.

Sec. 3988. When a board of education determines to build, repair, enlarge or furnish a school house or school houses, or make any improvement or repair provided for in this chapter, the cost of which will exceed in city districts, fifteen hundred dollars, and in other districts five hundred dollars, except in cases of urgent necessity, or for the security and protection of school property, it shall proceed as follows:

(1) The board shall advertise for bids, for the period of four weeks, in some newspaper of general circulation in the district, and two such newspapers, if there are so many; and if no newspaper has a general circulation therein, then by posting such advertisement in three public places therein, which advertise-

ment shall be entered in full by the clerk, on the record of the proceedings of the board.

(2) The bids, duly sealed, shall be filed with the clerk by twelve o'clock, noon, of the last day stated in the advertisement.

(3) The bids shall be opened at the next meeting of the board, be publicly read by the clerk, and entered in full on the records of the board.

(4) Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person, that if the bid be accepted, a contract will be entered into, and the performance of it properly secured.

(5) When both labor and materials are embraced in the work bid for, each must be separately stated in the bid, with the price thereof.

(6) None but the lowest responsible bid shall be accepted; but the board may, in its discretion, reject all the bids, or accept any bid for both labor and material which is the lowest in the aggregate for such improvement or repair.

(7) Any part of a bid which is lower than the same part of any other bid, shall be accepted, whether the residue of the bid is higher or not; and if it is higher, such residue shall be rejected.

(8) The contract shall be between the board of education and the bidders, and the board shall pay the contract price for the work, when it is completed, in cash, and may pay monthly estimates as the work progresses.

(9) When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between the makers thereof.

(10) When there is reason to believe that there is any collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

Sec. 3991. When the board of education of any school district determines that it is necessary for the proper accommodation of the schools of such district to purchase a site or sites to erect a school house or houses, to complete a partially built school house, to enlarge, repair or furnish a school house, or to do any or all of said things, and that the funds at the disposal of said board or that can be raised under the provisions of section 3994 of the Revised Statutes of Ohio, are not sufficient to accomplish said purpose and that a bond issue is necessary, the board shall make an estimate of the probable amount of money required for such purpose or purposes and at a general election or a special election called for that purpose, shall submit to the electors of the district the question of the issuing of bonds for the amount so estimated; notices of the election required herein shall be given in the manner as provided in section thirty-nine hundred and seventy dash eleven.

Sec. 3992. If a majority of the electors, voting on the proposition to issue bonds, shall vote in favor of said issue, the board shall be thereby authorized to issue bonds for the amount indicated by the vote provided for in section thirty-nine hundred and ninety-one, the issue and sale of said bonds to be provided for by a resolution fixing the amount of each bond, the length of time they shall run, the rate of interest they shall bear, and the time of sale which may be by competitive bidding at the discretion of the board; the bonds shall bear a rate of interest not to exceed six per cent. per annum payable semi-annually, shall be made payable within at least forty years from the date thereof, be numbered consecu-

tively, made payable to the bearer, bear date of the day of sale and be signed by the president and clerk of the board of education; the clerk of the board shall keep a record of the number, date, amount, and the rate of interest of each bond sold, the amount received for the same, the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public at all reasonable times; and the bonds so issued shall in no case be sold for a less sum than their par value, nor bear interest until the purchase money for the same shall have been paid by the purchaser.

Sec. 3993. When an issue of bonds has been provided for under sections thirty-nine hundred and ninety-one and thirty-nine hundred and ninety-two the board of education shall certify annually, to the county auditor or auditors as the case may require, a tax levy sufficient to pay said bonded indebtedness as the same shall fall due together with accrued interest thereon; the county auditor or auditors shall place said levy on the tax duplicate and it shall be collected and paid to the board of education in the same manner as other taxes are collected and paid. The tax levy provided for herein shall be in addition to the tax levy provided for under section thirty-nine hundred and fifty-nine and shall be kept in a separate fund by the board of education and applied only to the payment of the bonds and interest for which it was levied.

Sec. 3994. The board of education of any school district may issue bonds to obtain or improve public school property, and in anticipation of income from taxes, for such purposes, levied or to be levied, may, from time to time, as occasion requires, issue and sell bonds, under the restrictions and bearing a rate of interest specified in section thirty-nine hundred and ninety-two and shall pay such bonds and the interest thereon when due, but shall provide that no greater amount of such bonds shall be issued in any year than would equal the aggregate of a tax at the rate of two mills, for the year next preceding such issue, but the order to issue bonds shall be made only at a regular meeting of the board and by a vote of two-thirds of the full membership of the board, taken by yeas and nays and entered upon the journal of the board; but in no case shall a board of education issue bonds under the provisions of this section in a greater amount than can be provided for and paid with the tax levy provided for under section thirty-nine hundred and fifty-nine of the Revised Statutes of Ohio, and paid within forty years after the bond issue on the basis of the tax valuation at the time of the bond issue.

Sec. 4007. Each board of education shall establish a sufficient number of elementary schools to provide for the free education of the youth of school age within the district under its control, at such places as will be most convenient for the attendance of the largest number of such youth, and shall continue each and every elementary day school so established not less than thirty-two nor more than forty weeks in each school year, and all the elementary schools within the same school district shall be continued the same length of time. And boards of education are required to prescribe a graded course of study for all schools under their control in the branches named in section 4007-1 of the Revised Statutes of Ohio, subject to the approval of the State Commissioner of Common Schools. Each township board of education shall establish and maintain at least one elementary school in each sub-district under its control, unless transportation is furnished to the pupils thereof as provided by law.

Sec. 4007-1. An elementary school is hereby defined as a school in which instruction and training are given in spelling, reading, writing, arithmetic, English

language, English grammar and composition, geography, history of the United States, including civil government, physiology and hygiene; but nothing herein contained shall be construed as abridging the power of boards of education to cause instruction and training to be given in vocal music, drawing, elementary algebra, the elements of agriculture and other branches which they may deem advisable for the best interests of the schools under their charge.

(4009-15) Sec. 1. The boards of education of two adjoining township school districts, or of a township district and of a village or special school district situated partially or wholly within the township, may, by a majority vote of the full membership of each of said boards, unite said districts for high school purposes and each board may submit the question of levying a tax on the property in their respective districts, for the purpose of purchasing a site and erecting a building, and may issue bonds, as is provided for in sections thirty-nine hundred and sixty-one, thirty-nine hundred and sixty-two and thirty-nine hundred and sixty-three of the Revised Statutes of Ohio, but said question of tax levy must carry in both districts before it shall become operative in either. If said boards of education have sufficient money in the treasury to purchase said site and erect said building, or if there is a suitable building in either district owned by the board of education that can be used for a high school building, it shall not be necessary to submit the proposition to a vote, and the boards are authorized to appropriate money from their funds for this purpose. Any high school so established shall be under the management of the board of education of the district in which the school house is located, and shall be free to all youth of school age within both districts, subject to such rules and regulations as may be adopted by the board of education having control of the school in regard to the qualifications in scholarship requisite for admission, such rules and regulations to be of uniform operation throughout both districts. The funds for the maintenance and support of such high school shall be provided by appropriations from the tuition or contingent funds, or both, of each district, in proportion to the total valuation of property in the respective districts, the same to be placed in a separate fund in the treasury of the board of education having control of the school and paid out by action of said board, but only for the purposes of maintaining said school.

(4009-16) Sec. 2. Joint township high school districts heretofore established as provided for in section 4009-15 to 4009-20 inclusive, of the Revised Statutes of Ohio, as they existed prior to the passage of this act, are hereby abolished and the schools in said districts shall be hereafter conducted as provided in section 4009-15 of the Revised Statutes of Ohio, as contained herein. Boards of education of special districts for high school purposes, as provided in section 4009b of the Revised Statutes of Ohio, as it existed prior to the passage of this act, are hereby abolished and the high schools in said district shall hereafter be conducted and maintained as provided in section 4009-15 of the Revised Statutes of Ohio as herein contained.

Sec. 4013. The schools of each district shall be free to all youth between six and twenty-one years of age, who are children, wards or apprentices of actual residents of the district, including children of proper age who are or may be inmates of a county or district children's home located in any such school district, at the discretion of the board of education of said school district; provided that all youth of school age living apart from their parents or guardians and who work to support themselves by their own labor, shall be entitled to attend school free in the district in which they are employed. Each board of education may

admit other persons upon such terms or upon the payment of such tuition as it may prescribe; provided, that when a youth between the age of six and twenty-one years or the parent of such youth owns property in a school district in which he does not reside and said youth attends the schools of said district, the amount of school tax paid on such property shall be credited on the tuition of said pupil. Boards of education are authorized to make such an assignment of the youth of their respective districts to the schools established by them as will in their opinion best promote the interests of education in their districts.

Sec. 4015. Teachers employed in the public schools may dismiss their schools, without forfeiture of pay, on the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the twenty-fifth day of December, and on the day set apart by proclamation of the President of the United States or Governor of this state as a day of fast, thanksgiving or mourning.

Sec. 4017. Each board of education shall have the management and control of all of the public schools of whatever name or character in the district, with full power to appoint a superintendent of the public schools, truant officers, and janitors and fix their salaries; and, if deemed essential for the best interests of the schools of the district, the board may, under proper rules and regulations, appoint a superintendent of buildings, and such other employes as the board may deem necessary, and fix their salaries; and each board shall fix the salaries of all teachers, which salaries may be increased, but shall not be diminished during the term for which the appointment is made, and teachers shall be paid for all time lost when the schools in which they are employed are closed owing to an epidemic or other public calamity, but no person shall be appointed as a teacher for a term longer than four school years, nor for a less term than one year except to fill an unexpired term, the term to begin within four months of the date of the appointment, provided that in making appointments teachers in the actual employ of the board shall be first considered before new teachers are chosen in their stead. A board of education in a city district may, at its discretion, elect a director of schools, who shall serve as such for the term of two years, unless earlier removed as hereinafter provided, and any vacancy in this office shall be filled for the unexpired term of such director of schools. As director of schools, he shall execute for the board of education, in the name of the school district, its contracts and obligations, except that bonds issued shall be signed by the president of the board, and attested by the clerk. He shall see that all contracts made by or with said board shall be fully and faithfully performed. Except teachers, assistant teachers, supervisors, principals, superintendent of instruction, clerk of the board of education, he shall have the appointment subject to the approval and confirmation of the board of all employes, and may discharge the same. He shall have the care and custody of all property of the school district, real and personal, except moneys. He shall oversee the construction of buildings, in the process of erection, and the repairs of the same. He shall advertise for bids and purchase all supplies and equipments authorized by the board. He shall report to the board monthly, and oftener if required, as to all matters under his supervision, and report to the board a statement of its accounts, exhibiting the revenues, receipts, disbursements, assets and liabilities of the board, the sources from which the revenues and funds are derived, and in what manner the same have been disbursed. He shall keep accurate account of taxes levied for school purposes, and all moneys due to, received and disbursed

by the board; also, of all assets and liabilities and all appropriations made by the board, and shall receive and preserve all vouchers for payments and disbursements made to or by the board. He shall issue all warrants for the payment of money from the school fund, but no warrant shall be issued for the payment of any claim until such claim has been approved by the board, and the pay-roll for teachers, assistant teachers and supervisors shall be counter-signed by the superintendent of instruction. He shall attend all meetings of the board, and perform all of its executive functions not hereinbefore excepted in defining the duties of the director of schools. He shall devote such portion of his time to the duties of his office as may be required by the board of education at or before his election, and shall give a bond for the faithful discharge of his duties as director of schools, in such sum as the board may determine, his sureties to be approved by the board, which bond shall be deposited with the president of the board within ten days after his appointment. He shall receive such compensation, not exceeding \$5,000 per annum, as may be fixed by the board before his election, which compensation shall not be changed during his term of office. The board of education may, at any time, by a two-thirds vote for cause, suspend or remove the director of schools, but such suspension or removal shall not be made unless the charges are preferred in writing, and an opportunity afforded to bring all offered pertinent testimony in as a defense, which testimony shall be received and considered by the board and made a part of the records. Upon the appointment of any person to any position under the control of the board of education, it shall be the duty of the clerk promptly to notify such person verbally or in writing of the appointment and the conditions thereof and request and secure from such person within a reasonable time to be determined by the board, his acceptance or rejection of the appointment thus made, and an acceptance of such appointment within the time thus determined shall constitute a contract binding both parties thereto until such time as it may be dissolved, shall expire, or the appointee be dismissed for cause. All resignations or requests for release from contract by teachers, superintendents, or employes, shall be promptly considered by the board, but no resignation or release shall become effective except by consent of the board. Each board may dismiss any appointee or teacher for inefficiency, neglect of duty, immorality, or improper conduct; but no teacher shall be dismissed by any board unless the charges are first reduced to writing and an opportunity be given for defence before the board, or a committee thereof, and a majority of the full membership of the board vote upon roll call in favor of such dismissal.

Sec. 4017a. The board of education in each city school district shall appoint a suitable person to act as superintendent of the public schools of the district, for a term not longer than five school years, the term to begin within four months of such appointment. Provided, that the present board of education shall not employ a superintendent for a term to exceed beyond the school year ending August 31, 1905. Said superintendent shall, upon his acceptance of the appointment, become thereby empowered to appoint, subject to the approval and confirmation of the board, all the teachers, and he may for cause suspend any person thus appointed until the board or a committee of the board may consider such suspension, but no one shall be dismissed by the board except as provided in section 4017 of the Revised Statutes of Ohio; provided that any city board of education may, upon a three-fourths vote of its full membership, re-employ any teacher whom the superintendent refuses to appoint. Said superin-

tendent shall visit the schools under his charge, direct and assist teachers in the performance of their duties, classify and control the promotion of pupils, and perform such other duties as the board may determine. He shall report to the board of education annually, and oftener if required, as to all matters under his supervision, and may be required by the board to attend any and all of its meetings and may take part in its deliberations but shall not vote. The board of education of each village, township and special school district may appoint a suitable person to act as superintendent, and to employ the teachers of the public schools of the district, for a term not longer than three school years, the term to begin within four months of the date of the appointment; but nothing herein shall be construed as preventing two or more districts uniting and appointing the same person as superintendent. Provided, that the present board of education shall not employ a superintendent or teacher for a term to extend beyond the school year ending August 31, 1905. The superintendent shall, upon his acceptance of the appointment, become thereby empowered to visit the schools under his charge, direct and assist teachers in the performance of their duties, classify and control the promotion of pupils, and perform such other duties as the board may determine. He shall report to the board of education annually, and oftener if required, as to all matters under his supervision, and may be required by the board to attend any and all of its meetings, and may take part in its deliberations, but shall not vote; provided, however, that any board may permit or require the superintendent to devote a portion of his time to teaching, subject to the rules and regulations of said board.

Sec. 4018. All teachers shall exercise reasonable care in regard to all school property, apparatus, and supplies intrusted to their keeping. They shall strive to guard the health and physical welfare of the pupils in their schools, give efficient instruction in the studies pursued, and endeavor to maintain and preserve good discipline over all the pupils under their charge. Provided, however, that no teacher shall be required by any board to do the janitor work of any school room or building, except as mutually agreed by special contract, and for compensation in addition to that received by him for his services as teacher.

Sec. 4019. If the board of education of any district dismiss any teacher for any frivolous or insufficient reason, such teacher may bring suit against such district, and if, on the trial of the cause, a judgment be obtained against the district, the board thereof shall direct the clerk to issue an order upon the treasurer for the sum so found due to the person entitled thereto, to pay the same out of any money in his hands belonging to such district, and applicable to the payment of teachers; and in such suits process may be served on the clerk of the district, and service upon his shall be sufficient.

(4020-17). Sec. 1. Physical training shall be included in the branches to be regularly taught in public schools in city school districts, and in all educational institutions supported wholly or in part by money received from the state, and it shall be the duty of the boards of education of city school districts, and boards of such educational institutions to make provisions in the schools and institutions under their jurisdiction for teaching of physical training, and to adopt such methods as shall adapt the same to the capacity of the pupils in the various grades therein; and other boards may make such provisions. The curriculum in all normal schools of this state shall contain a regular course on physical education.

(4020-18). Sec. 1. Any board of education may establish and maintain manual training and commercial departments and kindergartens in connection with the public school system and pay the expenses of establishing and maintaining said schools from the public school funds, in the same manner and from the same funds as other school expenses are paid.

Sec. 4021. Boards of education are authorized to provide for the teaching of the German language in the elementary and high schools of the district over which they have control, but said language shall only be taught in addition to, and as auxiliary to, the English language; all the common branches in the public schools shall be taught in the English language.

Sec. 4022a. When pupils live more than one and one-half miles from the school to which they are assigned in the district in which they reside, they are entitled to attend a nearer school in the same district, or if there be no nearer school in said district, they may attend the nearest school in another school district, in all grades below the high school, and in such cases the board of education of the district in which they reside shall be compelled to pay the tuition of such pupils without an agreement to that effect, but a board of education shall not collect tuition for attendance as provided herein until after notice of such attendance shall have been given to the board of education of the district where the pupils reside, but nothing contained herein shall be construed to require the consent of the board of education of the district where the pupils reside, to such attendance; said tuition shall be paid from either the tuition or the contingent funds and the amount per capita shall be ascertained by dividing the total expenses of conducting the elementary schools of the district attended, exclusive of permanent improvements and repairs, by the total enrollment in the elementary schools of the district, said amount to be computed by the month and an attendance any part of a month shall create a liability for the whole month. When the schools of a district are centralized or transportation of pupils provided, the provisions of this section shall not apply.

Sec. 4022-2. No child under sixteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 4022-1 of the Revised Statutes of Ohio; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the state commissioner of common schools and the same furnished, in blank, by the clerk of the board of education. Every person, company or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon request of the truant officer herein provided for, permit him to examine such age and schooling certificate. Any person, company or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Sec. 4031. The board of education of each school district, shall, on or before the second Saturday in May, appoint one or more persons to take the enumeration provided for in section forty hundred and thirty of the Revised Statutes of Ohio. Each person appointed to take such enumeration shall take an oath or affirmation to take the same accurately and truly to the best of his skill and ability. When making return thereof to the clerk of the board of education, he shall accompany the same with a list of the names of all the youth enumerated, noting the age of each, and with his affidavit duly certified that he has taken and returned the enumeration accurately and truly to the best of his knowledge and belief, and that such list contains the names of all such youth so enumerated and none others. The clerk of the board of education or any officer authorized to administer oaths, may administer such oath or affirmation, take and certify such affidavit, and the clerk shall keep in his office for the period of five years such report and the list of names, and each person so taking and returning the enumeration shall be allowed by the proper board of education reasonable compensation for his services.

Sec. 4032. When a school district including territory attached for school purposes, is situated in two or more counties, it shall be the duty of the person or persons taking such enumeration to report the number of youth as provided in section forty hundred and thirty of the Revised Statutes of Ohio, residing in each county and the clerk of the board shall make returns to the auditors of the respective counties in which such youth reside as provided in section forty hundred and thirty-five of the Revised Statutes of Ohio.

Sec. 4033. The clerk of each board shall, annually, on or before the first Saturday in July make, and transmit to the county auditor, an abstract of the enumeration by this chapter required to be returned by him, according to the form prescribed by the commissioner of common schools, with an oath or affirmation endorsed thereon that it is a correct abstract of the returns made to him under oath or affirmation; and the oath or affirmation of the clerk may be administered and certified by any member of the board of education, or by the county auditor.

Sec. 4036. If the clerk of any district fail to transmit such abstract of enumeration on or before the first Saturday in July, the auditor shall at once demand the same from such clerk; and in case the enumeration has not been taken as required by this chapter, or the abstract required be not furnished without delay, the auditor shall employ competent persons to take such enumeration, who shall be subject to the legal requirements already specified, except that the return shall be made directly to the auditor, who may administer to each person employed the oath or affirmation required; and the auditor shall allow the person employed by him, a reasonable compensation, to be paid out of the general county fund, and shall proceed to recover the amount so paid in civil action before any court having competent jurisdiction, in the name of the state, against such clerk on his bond, and the amount so collected shall be paid into the school funds of the district.

Sec. 4038. If an enumeration of the youth of a district be not taken and returned in any year, such district shall not be entitled to receive any portion of the school funds distributable in that year on the basis of enumeration; and if such loss to a district occur through the failure of the clerk of the board of education of a district to perform the duty required of him under section forty hundred and thirty-five of the Revised Statutes of Ohio, he shall be liable to the district for the loss, which may be recovered in an action in the name of the state;

and the money so recovered shall be paid into the county treasury, and apportioned in the same manner as the school funds so lost would have been apportioned.

Sec. 4039. The auditor of each county shall make and transmit to the state commissioner of common schools, on or before the third Saturday in July in each year, on blanks to be furnished by the commissioner, an abstract of the enumeration returns made to him, duly certified.

Sec. 4042. In each city, village and township school district, the treasurer of the city, village and township funds, shall be respectively the treasurer of the school funds; in each special district the board of education shall choose its own treasurer, whose term of office shall be for one year beginning on the first day of September.

Sec. 4043. Each school district treasurer shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, in an amount at least equal to the amount of school funds that may come into his hands, payable to the state of Ohio, to be approved by the board of education, conditioned for the faithful disbursement, according to law, of all funds which come into his hands; and he may at any time thereafter be required to give additional sureties on his accepted bond, or to execute a new bond with sufficient sureties to the approval of the board of education whenever the said board of education deem it necessary, and if said treasurer shall fail for ten days after service of notice in writing of such requisition, to give bond or additional sureties as aforesaid as required by said board, the office shall be considered and declared vacant and shall be filed as in other cases. Every bond, when so executed and approved, shall be filed with the clerk of the board of education of the district, and recorded, who shall cause a certified copy thereof or the names of additional sureties, to be filed with the county auditor without delay, and such board at the time of the approval of any bond or sureties, shall require the treasurer of the school funds to produce all money, bonds or other securities in his hands as such treasurer, and the same shall be then counted by the board or a committee thereof, in the presence of the clerk of the board, who shall thereupon enter upon the records of the board, a certificate, setting forth the exact amount of money or securities so found in the hands of such treasurer, which record shall be signed by the president and clerk of the board and shall be *prima facie* evidence that the amount therein stated was actually in the treasury at that date.

Sec. 4047. No treasurer of a school district shall pay out any school money except on an order signed by the president and countersigned by the clerk of the board of education; and no money shall be paid to the treasurer of a district, other than that received from the county treasurer, except upon the order of the clerk of the board, who shall report the amount of such miscellaneous receipts to the county auditor each year, immediately preceding such treasurer's settlement with the auditor.

Sec. 4048. The clerk of a board of education or the county auditor shall pay no money into the hands of the treasurer of a school district in excess of the amount of his bond and should said clerk or auditor violate this provision, he and his bondsmen shall be liable for any loss occasioned thereby; and before giving said treasurer any warrant or order for any school funds the auditor may require the treasurer to file with him a statement showing the amount of such funds in his possession, signed by the clerk of the board of education.

Sec. 4052. The clerk of each board shall prepare the annual report of the receipts and expenditures of school money, and the statistical statement in reference to the schools, required of the board by section forty hundred and fifty-seven of the Revised Statutes of Ohio, and transmit the same to the county auditor on or before the first day of September; provided, that in each school district having a superintendent of schools, the annual report, except the receipts and expenditures of money, shall be made by the superintendent.

Sec. 4053. The board of education of each district, except city districts, shall require the clerk of the board annually, ten days prior to the election for members of the board of education, to prepare and post at the place or places of holding such elections, or publish in some newspaper of general circulation in the district, an itemized statement of all money received and disbursed by the treasurer of the board within the school year last preceding.

Sec. 4055. The auditor of each county shall furnish to the clerk and treasurer of each school district in his county a suitable blank book, made according to the form prescribed by the bureau of inspection and supervision of public offices, in which each shall keep an account of the school funds of his district; the clerk's account shall show the amounts certified by the county auditor to be due the district, all sums paid to the treasurer from other sources on his order, and all orders drawn by him on the treasurer, and upon what funds and for what purposes drawn; the treasurer's accounts shall show the amounts received from the county treasurer, all sums received from other sources on the order of the clerk, and the amounts paid out, and from what funds and for what purposes paid; and a separate account of each fund shall be kept, and each account shall be balanced at the close of the school year, and the balance in the treasurer's hands belonging to each fund shown.

Sec. 4056. The board of education of each school district shall fix the compensation of its clerk and treasurer, which shall be paid from the contingent fund of the district; if the clerk and treasurer are paid annually the order for the payment of their salaries shall not be drawn until said clerk and treasurer shall present to the board of education a certificate from the county auditor stating that all reports required by law have been filed in his office; if the clerk and treasurer are paid semi-annually, quarterly, or monthly, the last payment on their salaries previous to August 31, shall not be made until all reports required by law have been filed with the county auditor and his certificate presented to the board of education as required herein.

Sec. 4059. Boards of education shall require all teachers and superintendents to keep the school records in such manner that they may be enabled to report annually to the county auditor and state commissioner of common schools, as required by the provisions of this title and shall withhold the pay of such teachers and superintendents as fail to file the reports required of them; the records of each school shall, in addition to all other requirements, be so kept as to exhibit the names of all pupils enrolled therein, the studies pursued, shall indicate the character of the work done, the standing of each pupil, and shall be as near uniform throughout the state as may be practicable; said boards may require superintendents and teachers to report such matters as they deem important or necessary for information in regard to the management and conduct of the schools and to make such suggestions and recommendations as they may deem advisable relative to methods of instruction, school management, or other matters of educational interest; and the board of education of each city district shall pre-

pare and publish annually a report of the condition and administration of the schools under its charge, and include therein a complete exhibit of the financial affairs of the district.

Sec. 4069. There shall be a county board of school examiners for each county, which shall consist of three competent persons to be appointed by the Probate Judge. Two of such persons shall have had at least two years' experience as teachers or superintendents, and shall have been within five years, actual teachers in the public schools. Each person so appointed shall be a legal resident of the county for which he is appointed, and, should he remove from the county during his term, his office shall be thereby vacated and his successor be appointed. No examiner shall teach in, be connected with, or be financially interested in any school which is not supported wholly or in part by the state, or be employed as an instructor in any teachers' institute in his own county; nor shall any person be appointed to the position, or exercise the office of examiner who is agent of or is financially interested in any book publishing or book-selling firm, company or business, or in any educational journal or magazine. If an examiner becomes connected with or interested in any school not under state control, or is employed in any such institute in his own county, or becomes an agent of or interested in any book company or journal, or fails to hold the necessary teacher's certificate, or removes from the county, the Probate Judge shall forthwith, upon being apprised of such fact, remove such examiner and appoint his successor. The term of office of such examiner shall be three years. The term of one of the examiners shall expire on the thirty-first day of August, each year; but the Probate Judge shall revoke the appointment of any examiner, upon satisfactory proof that he is inefficient, intemperate, negligent, guilty of immoral conduct, or that he is using his office for personal or private gain. When a vacancy occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the probate judge shall promptly fill the same by appointment for the full or unexpired term, and said judge shall, within ten days, report the same to the state commissioner of common schools, together with the names of the other members of the board and the date of the expiration of their several terms of office. The members of county boards of examiners, as now constituted, shall serve for the full term for which they were appointed unless removed for cause as provided for in section forty hundred and sixty-nine as it existed previous to this enactment.

Sec. 4070. The board of county school examiners shall annually in the month of September organize by choosing from its members a president, a vice-president, and a clerk; the president shall preside at all the meetings of the board, and in his absence the vice-president shall preside; the clerk shall keep a full and accurate record of the proceedings of the board, showing the number and date and character of each certificate issued, and to whom, for what term, and for what branches of study, and such other statistics relating to the examination and the proceedings of the board as the state commissioner of common schools may require, and in the form and manner he may require, and shall make a report of all such items annually on or before the first day of September; the clerk shall receive for his services as clerk four dollars for each examination of sixty applicants or less, six dollars for each examination of more than sixty applicants and less than one hundred, eight dollars for each examination of one hundred applicants or more, to be paid out of the county treasury on the order of the county auditor, but no order shall be drawn for the month of August

until the clerk produce a receipt from the state commissioner of common schools that he has filed all the reports for the year required by said commissioner. The board shall make all needful rules and regulations for the proper discharge of its duties and the conduct of its work, subject to statutory provisions and the approval of the state commissioner of common schools.

Sec. 4071. Each board shall hold public meetings for the examination of applicants for county teachers' certificates on the first Saturday of every month of the year, unless Saturday should fall on a legal holiday, in which case, said examination shall be held on the succeeding Saturday, at such place or places within the county as will, in the opinion of the board, best accommodate the greatest number of applicants, notice of which shall be published in two weekly newspapers of different politics printed in the county, if there are two papers, thus published, if not, then a publication in one only is required. In no case shall the board hold any private examination or ante-date any certificate. A majority of the board may examine applicants and grant certificates; and as a condition of any applicant being admitted to take the examination, each such applicant shall pay to the board for the use of the county institute a fee of fifty cents.

Sec. 4071a. After the first day of September, 1904, the questions for all county teachers' examinations, throughout the state, shall be prepared under the direction of the state commissioner of common schools, and sample lists shall be mailed, under seal, to the clerks of the said boards of examiners not less than ten days before each examination. Upon the receipt of said lists, the boards are authorized and required to have a sufficient number of copies of the same printed for use in the examination. Any person connected with the preparation, printing, distribution, or handling of said questions, who shall, prior to the examination in each branch of study, make the same public in any manner or give information in regard to the nature or character of the questions to any applicant for a certificate or other person, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty dollars nor more than one hundred dollars.

Sec. 4072. The clerk of the board of county school examiners shall promptly collect all fees from applicants at each examination and pay the same into the county treasury quarterly, and he shall file with the county auditor a written statement of the amount, and the number of applicants, male and female, examined during the quarter; and all such money thus received shall be set apart by the auditor for the support of county teachers' institutes, to be applied as provided for in chapter thirteen of this title.

Sec. 4073. The county board of school examiners may grant teachers' certificates for one, two, three, five, and eight years from the day of the examination; and said certificates shall be valid in all village, township, and special school districts of the county wherein they are issued, but in all school districts situated in two or more counties teachers' certificates obtained in either county shall be valid in such districts. All teachers' certificates granted for one, two or three years shall be regarded as provisional certificates and shall be issued only in compliance with such reasonable regulations and standards and upon such ratios as the board may adopt, but no such certificate shall be renewed except upon examination; provided, that when any teacher holding a two year certificate and having for the last five years preceding been continuously engaged in teaching in the same county, said teacher shall be entitled to have his or her

certificate renewed by passing an examination in theory and practice; all certificates granted for five years, or eight years, shall be regarded as professional certificates and shall be renewable without examination at the discretion of the examining board, if for three years preceding the date of the application the holders thereof shall have been engaged in teaching, not less than twelve months of such time being spent in the same district and the board of examiners being satisfied as to the moral character and the professional attainments of the holders thereof. No certificate shall be issued to any person who is less than eighteen years of age; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent, or negligent, the examiners, or any two of them, may revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services previously rendered; but before any hearing is had by a board of examiners on the question of the revocation of a teacher's certificate, the charges against the teacher shall be reduced to writing and placed upon the records of the board, and the teacher shall be notified in writing as to the nature of the charges and the time set for the hearing, such notice to be served personally or at his residence, and the teacher shall be entitled to produce witnesses and defend himself; the examining board shall have power to send for witnesses and examine them on oath or affirmation touching the matter under investigation, and said oath or affirmation may be administered by any member of the board of examiners. The fees and the per diem of examiners for conducting such investigation at three dollars a day each and other expenses of such trial shall be certified to the county auditor by the clerk and president of the examining board, and be paid out of the county treasury upon the order of the auditor.

Sec. 4074. From and after the first day of September, 1904, three kinds of teachers' certificates only shall be issued by county boards of school examiners; said kinds of teachers' certificates shall be styled respectively "Teacher's Elementary School Certificate," which shall be valid for all branches of study in schools below high school rank, "Teacher's High School Certificate," which shall be valid for all branches of study in recognized high schools and for superintendents, and "Teacher's Special Certificate," which shall be valid in schools of all grades, but only for the branch or branches of study named therein. From and after the first day of September, 1905, no person shall be employed or enter upon the performance of his duties as a teacher in any elementary school supported wholly or in part by the state in any village, township, or special school district who has not obtained from a board of school examiners having competent jurisdiction a certificate of good moral character and that he or she is qualified to teach orthography, reading, writing, arithmetic, English grammar and composition, geography, history of the United States, including civil government, physiology including narcotics, literature, and that he or she possesses an adequate knowledge of the theory and practice of teaching; and no person shall be employed or enter upon the performance of his duties as a teacher in any recognized high school supported wholly or in part by the state in any village, township, or special school district, or act as a superintendent of school in such district, who has not obtained from a board of examiners having competent jurisdiction a certificate of good moral character and that he or she is qualified to teach literature, general history, algebra, physics, physiology including narcotics, and, in addition thereto, four branches elected from the following branches of study: Latin, German, rhetoric, civil government, geometry, physical geography, botany, and chemistry; and that he or she possesses an adequate

knowledge of the theory and practice of teaching; and no person shall be employed and enter upon the performance of his duties as a special teacher of music, drawing, painting, penmanship, gymnastics, German, French, the commercial and industrial branches, or any one of them, in any elementary or high school supported wholly or in part by the state in any village, township, or special school district, who has not obtained from a board of examiners having competent jurisdiction a certificate of good moral character and that he or she is qualified to teach the special branch or branches of study, and, in addition thereto, that he or she possesses an adequate knowledge of the theory and practice of teaching; provided, that county boards of school examiners are authorized to recognize or renew, at their discretion, in the appropriate kind and for the same length of time any certificate or certificates, held by teachers who may apply for such recognition or renewal prior to the first day of September, 1905, and provided, further, that no person holding a common school life certificate issued by the board of state examiners shall be required to hold any other certificate to teach in the elementary schools of the state, nor shall any holder of said common school life certificate be required by any board to be examined in any of the branches covered by said certificate in order to be granted the teachers' high school certificate authorized herein.

Sec. 4075. Each member of the county board of school examiners shall be entitled to receive ten dollars for each examination of sixty applicants or less, fourteen dollars for each examination of more than sixty applicants and less than one hundred, eighteen dollars for each examination of one hundred applicants or more, to be paid out of the county treasury on the order of the county auditor; all books, blanks, and stationery required by the board shall be furnished by the county auditor; the board may contract for the use of suitable rooms in which to conduct examinations, for the printing of examination questions, may procure fuel and light, and employ janitors, to take charge of the rooms and keep them in order, and the expenses so incurred, together with the cost of advertising required by section forty hundred and seventy-one, shall be paid out of the county treasury on orders of the county auditor, who shall issue such orders upon the certificate of the president of the board, countersigned by the clerk.

Sec. 4076. The clerk of the board shall prepare, and forward to the state commissioner of common schools, on or before the first day of September in each year, a statement of the number of examinations held by the board, the number of applicants examined, the total number of certificates granted, and the number for each term mentioned in section forty hundred and seventy-three, the amount of fees received and paid to the county treasurer, the amount received from the county treasury by the members of the board for their services, and such other statistics and information in relation to the duties of the board as said commissioner may require; and he shall deposit with the county auditor a bond, with surety to be approved by the auditor, in the sum of three hundred dollars, that he will pay into the county treasury, quarterly, the examination fees received by the board, and make the statistical returns required by this chapter.

Sec. 4077. There shall be a city board of school examiners for each city school district, to be appointed by the board of education of the district; such board shall consist of three persons, and the majority of the persons appointed shall have had at least two years' practical experience in teaching in the public schools and all persons appointed shall be otherwise competent for the position and residents of the district for which they are appointed; the term of office of such examiners shall be three years; the term of one-third of the examiners shall

expire on the thirty-first day of August each year; but the board of education may revoke any appointment upon satisfactory proof that the appointee is inefficient, intemperate, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of term of office, refusal to serve, or other cause, the board of education shall fill the same by appointment for the full or unexpired term, as the case demands; and within ten days after an appointment, the clerk of the board of education shall report to the state commissioner of common schools the name of the appointee, and whether the appointment is for a full or an unexpired term; provided, that in city school districts that now have a board of city school examiners consisting of three members, the members of the same shall serve for the full term for which they were appointed; where the board does not consist of three members the same is hereby abolished and a new board shall be appointed, the members to serve for one, two and three years from the thirty-first day of August succeeding the passage of this act. All village boards of examiners are hereby abolished, but certificates issued by said boards shall continue in force within the village school district, for the full time for which they were issued.

Sec. 4078. Each city board of school examiners shall determine the standard of qualification for teachers, and may examine any school in the district when such examination is deemed necessary to ascertain a teacher's qualifications, but in the examination of applicants and the granting of certificates the board shall be governed by the provisions of section forty hundred and seventy-four, and to secure a thorough examination of applicants in difficult branches, or special studies, the board may secure the assistance, temporarily, of persons of sufficient knowledge in such branches or studies, who shall promise on oath or affirmation, to be administered by the clerk of the board of examiners, to perform the duties of examiner faithfully and impartially, and superintendents of schools shall give to the board all necessary information in reference to branches and special studies to be taught, and the branches of study and grades of school which teachers will be required to teach.

Sec. 4079. Each city board of school examiners shall organize during the month of September each year by choosing from its members a president, a vice president, and a clerk; the president shall preside at all the meetings of the board, and in his absence the vice president shall preside; the clerk shall perform all the duties required in this chapter of the clerk of the board of county school examiners in so far as said duties apply, and shall give bond, in the sum of three hundred dollars with surety to be approved by the board of education, conditioned that he will perform faithfully the duties required of him by this chapter, which bond shall be deposited with the clerk of the board of education.

Sec. 4080. Each board of city school examiners shall hold not less than two meetings each year, notice of which shall be published in some newspaper of general circulation in the district, and the expense of such publication shall be paid as provided in section forty hundred and eighty-three, and all examinations of applicants shall be conducted at the meetings of the boards thus called, and the examination of each and every applicant shall be in the presence of at least two members of the board.

Sec. 4081. Each city board of school examiners may grant teachers' certificates for one, two, three, five, and eight years from the day of the examination; and said certificates shall be valid within the district wherein they are issued.

All teachers' certificates granted for one, two, or three years, shall be regarded as provisional certificates and shall be issued only in compliance with such reasonable regulations and standard and upon such ratios as the board may adopt, but no such certificate shall be renewed except upon examination; provided, that when any teacher holding a two year certificate and having for the last five years preceding been continuously engaged in teaching in the same county, said teacher shall be entitled to have his or her certificate renewed by passing an examination in theory and practice; all certificates granted for five years, or eight years, shall be regarded as professional certificates and shall be renewable without examination at the discretion of the examining board, if for three years next preceding the date of the application of the holders thereof shall have been engaged in teaching, not less than twelve months of such time being spent in the same district and the board being satisfied as to the moral character and the professional attainments of the holders thereof. No certificate shall be issued to any person who is less than eighteen years of age; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent, or negligent, the examiners, or any two of them, may revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services previously rendered; and before any hearing is had by a board of examiners on the question of the revocation of a teacher's certificate, the charges against the teacher shall be reduced to writing and placed upon the records of the board, and the teacher shall be notified in writing as to the nature of the charges and the time set for the hearing, such notice to be served either personally or at his residence, and the teacher shall be entitled to produce witnesses and defend himself; the examining board shall have power to send for witnesses and examine them on oath touching the matter under investigation, and said oath or affirmation may be administered by any member of the board of examiners..

Sec. 4082. The provisions of section forty hundred and seventy-four of the Revised Statutes of Ohio relating to the kinds of certificates authorized to be issued by the county boards of school examiners for teachers in elementary schools and high schools, and for superintendents shall apply to city boards of school examiners; provided that city boards of school examiners may, in their discretion, require teachers in elementary schools to be examined in drawing, music, or German if such subjects are a part of the regular work of such teachers.

Sec. 4083. Each city board of education shall fix the compensation of the members of the city board of school examiners and the additional compensation of the clerk of the board, and the person or persons called to their assistance, furnish the necessary books, blanks and stationery for their use, and designate a school building within the district in which they shall conduct examinations, and to cause such building to be lighted and heated if necessary; and such compensation, and the incidental expenses incurred on account of the city board of school examiners, shall be paid, by order of the board of education, from the contingent fund of the district.

Sec. 4084. The clerk of the city board of school examiners shall keep a record of the proceedings of the board, and such statistics as the state commissioner of common schools may require, and in the form and manner he may require, and shall report such statistics to the commissioner annually, on or before the first day of September; he shall pay the examination fees received by him to the treasurer of the district within ten days after each meeting, and at the same time file with the clerk of the board of education a written statement of the amount,

and also a statement of the number of applicants, male and female, examined, and the number of certificates granted, and for what terms; and the fees paid to the treasurer of the district shall be applied to the support of teachers' institutes, as provided in chapter thirteen.

Sec. 4085. All manuscripts filed as answers to questions propounded to any applicant appearing before any county or city board of school examiners, shall be promptly considered and passed upon by said board together with the results of oral tests if any and such other information which may come to said board touching the fitness of any applicant for teaching in the public schools; and said board shall promptly issue all certificates granted to successful applicants and send notices of failure to those who fail in the examination, if such there be. All such manuscripts shall be kept on file for sixty days by the members of the examining board propounding the questions, and if within the sixty days any applicant after receiving his returns from the examination has cause to and does believe that he has been discriminated against and his manuscripts unfairly graded, it shall be his right to review his manuscripts with the member or members of the board having the same in charge, and if after such inspection and review of the manuscripts, he is still of the opinion that said board will not correct the error, if any, and issue his certificate, he shall have the right to appeal his case to the state commissioner of common schools for final review. Such appeal shall be in the form of an affidavit setting forth the facts as he believes them, accompanied by a fee of one dollar to cover the expenses incident to said appeal, and requesting that the matter be inquired into; thereupon the said commissioner shall require the clerk of said board to procure and forward said manuscripts, together with a full explanation of the reasons for the board's action, and if upon his examination of all the facts, together with the manuscripts, he finds that said applicant was denied a certificate when he should have been granted one and has been discriminated against by the board, he shall order the board forthwith to issue a certificate of the date of the teachers' examination attended by said applicant and indicate the length of time said certificate shall be valid, but if upon inspection of the manuscripts and reviewing the facts submitted he shall conclude that no injustice has been done, he shall so notify the applicant and the clerk of the board of examiners.

Sec. 4091. All teachers of the public schools within any county in which a county institute is held may dismiss their schools for one week for the purpose of attending such institute, and when such institute is held while the schools are in session the boards of education of all school districts are required to pay the teachers of their respective districts their regular salary for the week they attend the institute upon the teachers' presenting a certificate of full regular daily attendance at said institute signed by the president and secretary thereof; the same to be paid as an addition to the first month's salary after said institute by the board of education by which said teacher is then employed, or in case he is unemployed at the time of the institute, then by the board next employing said teacher, provided the term of said employment begins within three months after said institute closes.

Sec. 4092. The board of education of each city school district may provide for holding an institute yearly, for the improvement of the teachers of the common schools therein; and general meetings of the teachers of any such city district held upon not less than four days in any year, whether consecutive days or not, for the purposes of instruction, shall be deemed to constitute a teachers' institute

for said city district within the meaning of this section ; the expenses of such institute shall be paid from the institute fund provided for by section forty hundred and eighty-four ; and in addition to this fund the board of education of any district may expend annually, for the instruction of the teachers of said district in an institute or in such other manner as it may prescribe, a sum not to exceed five hundred dollars, the same to be paid from its contingent fund ; if the board of any district do not provide for such institute in any year, it shall cause the institute fund in the hands of the district treasurer for the year to be paid to the treasurer of the county wherein the district is situated, who shall place the same to the credit of the county institute fund, and the teachers of the schools of such district shall be entitled, in such case, to the advantages of the county institute, subject to the provisions of the preceding section ; and the clerk of the board shall make the report of the institute required by section forty hundred and ninety-four.

Sec. 4094. All institutes held under the provisions of this chapter shall continue at least four days ; and a report of the institute held in pursuance of the provisions of section forty hundred and ninety-two shall be made to the state commissioner of common schools within five days after the adjournment thereof, which shall state the number of teachers in attendance, the names of the instructors and lecturers, the total expenses of the institute, and the portion thereof paid from institute funds, and such other information relating to the institute as the commissioner may require.

Sec. 1123. Whenever the local authorities so request, the county auditor may draw, and the county treasurer shall pay on such draft to township, city and village treasurers, and the treasurer of any board of education, from June twentieth and December twentieth to the date of the semi-annual distribution, each year, any sum not exceeding two-thirds of the current collection of taxes for such local authorities, respectively, in advance of the semi-annual settlements.

SEC. 2. That the titles to Chapters 2, 3, 4 and 5 of Title III, Part Second of the Revised Statutes of Ohio be changed to read as follows:

CHAPTER 2.

CITY SCHOOL DISTRICTS.

CHAPTER 3.

VILLAGE SCHOOL DISTRICTS.

CHAPTER 4.

TOWNSHIP SCHOOL DISTRICTS.

CHAPTER 5.

SPECIAL SCHOOL DISTRICTS.

and the former titles to said chapters are hereby abolished.

SEC. 3. All existing officers of boards of education and school councils shall hold their respective offices until boards of education are elected and organized under the provisions of this act ; but no officer elected or appointed to fill a vacancy occurring in any such office shall be appointed to serve for a longer period than that ending on the 31st day of August, 1905.

SEC. 4. That sections 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3897a, 3898, 3898a, 3898a (2), 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3941a, 3942, 3943, 3944, 3945, 3946, 3946a, 3947, 3948, 3950, 3958, 3958a, 3958-1, 3958-2,

3959, 3960, 3961, 3961a, 3962, 3963, 3964, 3967, 3968, 3969, 3972, 3975, 3977, 3978, 3980, 3981, 3982, 3985, 3988, 3989, 3991, 3992, 3993, 3994, 3994a, 3994b, 3994c, 3994d, 3995, 3996, 3997, 3998, 4007, 4007-1, 4009a, 4009b, 4013, 4015, 4017, 4017a, 4018, 4019, 4021, 4022a, 4022-2, 4031, 4032, 4034, 4035, 4036, 4038, 4039, 4042, 4043, 4047, 4047a, 4048, 4052, 4053, 4055, 4056, 4059, 4069, 4070, 4071, 4071a, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4091, 4092, 4093, 4094, 1122a, and 1123 of the Revised Statutes of Ohio, and

Section 1 of an act entitled, "An act to supplement section 4009 of the Revised Statutes by enacting supplemental section 4009-21," passed February 7, 1902;

Section 1 of an act entitled, "An act to supplement 4009-20 of the Revised Statutes of Ohio, by adding section 4009-21," passed May 2, 1902;

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of an act entitled, "An act to create a pension fund to provide for the pensioning of teachers in city districts of the second grade of the first class," known as sections 3899-24a, to 3899-24p inclusive, of the Revised Statutes of Ohio, passed April 10, 1900;

Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled, "An act to provide for the centralization of township schools and provide a high school for the same," known as section 3927-5 of the Revised Statutes of Ohio, passed April 16, 1900, as amended May 12, 1902;

Section 1 of an act entitled, "An act to authorize boards of education in cities of the second grade of the first class to levy a tax for certain purposes therein specified," passed March 16, 1887;

Section 2 of an act entitled, "An act to amend section 3885 and section 3886 of the Revised Statutes of Ohio as amended March 10, 1898," passed April 21, 1898;

An act entitled, "An act to provide for the organization of boards of education in city districts of the second grade of the first class," passed March 8, 1892, as amended May 21, 1894, March 13, 1896, April 12, 1892, March 30, 1898, March 6, 1902, April 10, 1900;

An act entitled, "An act to provide for the reorganization of boards of education in city districts of the third grade of the first class," passed March 25, 1898, as amended April 23, 1898;

An act entitled, "An act to authorize school boards to convey lands in certain cases," passed March 18, 1887;

An act entitled, "An act to create a sinking fund to provide for the payment of the bonded indebtedness of boards of education in city districts of the second grade of the first class," passed March 17, 1893;

An act entitled, "An act to create a sinking fund to pay bonded indebtedness in certain school districts," passed April 27, 1896;

An act entitled, "An act to provide for the manner in which moneys set aside by boards of education of city school districts of the first class for sinking fund purposes may be invested in bonds of its own issue," passed April 25, 1902;

An act entitled "An act authorizing school districts managed by boards of education, or school councils to establish and maintain day schools for the deaf and authorizing payment therefor from state common school funds," passed April 23, 1898, as amended March 5, 1902;

Sections 1, 2, 3, 4, 5, and 6 of an act entitled "An act to empower township boards of education to establish township or joint township high schools and to discontinue subdistrict schools when too small to justify their continuance," passed April 25, 1898, as amended May 9, 1902;

An act entitled "An act to supplement an act entitled 'An act to authorize boards of education in cities of the second grade of the first class and to levy a tax for certain purposes therein specified,'" passed March 18, 1887, passed March 30, 1892;

An act entitled, "An act authorizing boards of education in cities of the first grade of the second class to establish manual training schools and to provide for their equipment and maintenance," passed April 14, 1888;

An act entitled, "An act providing for life certificates of teachers in city districts of the first grade of the first class," passed March 29, 1900; be and the same are hereby repealed, and also all acts or parts of acts inconsistent herewith.

An act entitled, "An act to secure a voice in school affairs to the women of Ohio on equal terms with men," passed April 24, 1894;

An act entitled, "An act to provide for village and special school districts in Hamilton county," passed April 5, 1883;

An act entitled, "An act to authorize boards of education in city districts of the first grade of the first class to issue bonds for school purposes where additional territory is annexed," passed April 16, 1900;

An act entitled, "An act to provide for public day schools for the deaf in the city districts of the first and second grades of the first class," passed April 21, 1898;

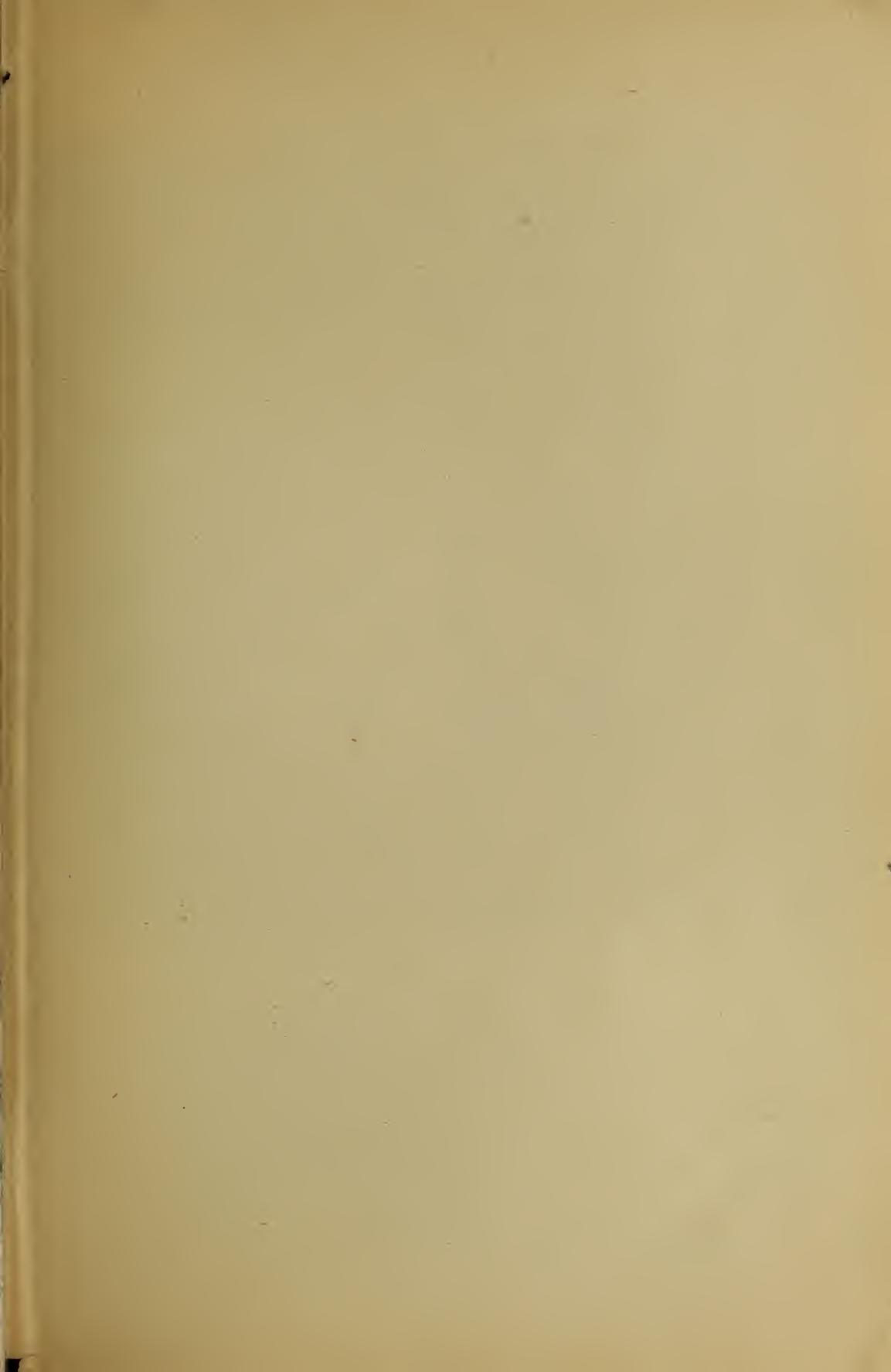
GEORGE T. THOMAS,
Speaker of the House of Representatives.

GEO. H. CHAMBERLAIN,
President pro tem. of the Senate.

Passed April 25, 1904.

Approved April 25, 1904, 4:30 p. m.

MYRON T. HERRICK, *Governor.*



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